

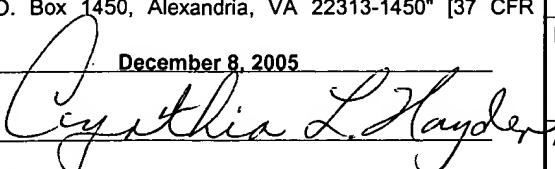


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PTO/SB/33 (07/05)

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|---|---------------------------------------|---|
| <b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>  |                                       | Docket Number (Optional)<br>ITL.0595US (P11736) |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.11, 1.14 and 41.6]. |                                       | Application Number<br>09/899,659                |
| on<br><u>December 8, 2005</u>   | Filed<br>July 5, 2001                 |   |
| Signature<br>  | First Named Inventor<br>Jose Guterman |   |
| Typed or printed<br>name<br><u>Cynthia L. Hayden</u>  | Art Unit<br>2155                      | Examiner<br>Bharat Barot                        |
| Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.  |                                       |   |
| This request is being filed with a notice of appeal.  |                                       |   |
| The review is requested for the reason(s) stated on the attached sheet(s).<br>Note: No more than five (5) pages may be provided.  |                                       |   |
| I am the  |                                       |   |
| <input type="checkbox"/> applicant/inventor.  |                                       |   |
| <input type="checkbox"/> assignee of record of the entire interest.<br>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.<br>(Form PTO/SB/96)   |                                       |   |
| <input checked="" type="checkbox"/> attorney or agent of record.<br>Registration number <u>28,994</u>   |                                       |   |
| <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br>Registration number if acting under 37 CFR 1.34 _____   |                                       |   |
| <br>Signature<br>Timothy N. Trop<br>Typed or printed name   |                                       |   |
| <u>(713) 468-8880</u><br>Telephone number   |                                       |   |
| <u>December 8, 2005</u><br>Date   |                                       |   |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.<br>Submit multiple forms if more than one signature is required, see below*.   |                                       |   |
| <input checked="" type="checkbox"/> *Total of <u>2</u> forms are submitted.   |                                       |   |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|             |  |                   |                        |
|-------------|--|-------------------|------------------------|
| Applicant:  | Jose Guterman  | § Group Art Unit: | 2155                   |
| Serial No.: | 09/899,659   | § Examiner:       | Bharat Barot           |
| Filed:      | July 5, 2001   | § Assignee:       | Intel Corporation      |
| For:        | Uploading Personal Agents to<br>Personalize Network Services | § Atty. Dkt. No.: | ITL.0595US<br>(P11736) |
|             |  | §                 |                        |

Mail Stop AF  
Commissioner for Patents  
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Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF**  
**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Claim 16 calls for detecting the occurrence of a network event. Upon detecting the occurrence of a network event, the claim further calls for (1) determining whether the personal agent software for the event has been received from the subscriber. If so, the claim calls for (2) executing the agent software to provide the services to the subscriber.

The rejection of claim 16 cites some four or five columns of text. Other than the first element of claim 16, namely, detecting the occurrence of a network event, no effort is made to apply the reference to the other elements of the claim. Thus, it is difficult to discern the basis for the rejection.

Nonetheless, the Applicant's attorney has reviewed the cited material, including the figures, and can find no correspondence with the step pointed out in the last response of determining whether the agent software for the event has been received from the subscriber and,

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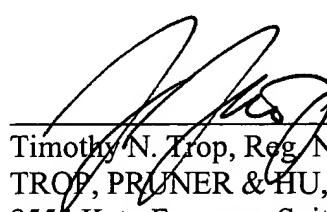
*Cynthia L. Hayden*  
Cynthia L. Hayden

if the software has been received from the subscriber, taking additional action. These steps seem to be nowhere to be found within the cited reference.

It is noted that claims 20 and 25-27 are rejected over a single reference taken alone. Since the reference is applied under Section 103, there must be a missing element. As a matter of inescapable logic, a *prima facie* objection is not made out unless something is shown from the prior art to justify modifying the reference. While the Examiner takes official notice that the advantage of using a network that is a telephone network as a transmission system is known, this taking of official notice still does not meet the claimed limitations of implementing network call functions to a personal agent software that provides services to a telephone network subscriber. In other words, more than just using a network is called for and more than using a network for transmission is called for. Instead, claim 20, for example, calls for making available service primitives to implement network call functions to agent software that provides services to a telephone network subscriber. No such elements, including the provision of primitive network call functions or personalized services to a telephone network subscriber are suggested by any of the cited references.

Therefore, reconsideration is respectfully requested.

Respectfully submitted,



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